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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)	CASE NO. 18-CR-281-RS
13)	
14 Plaintiff,)	PROPOSED ORDER AND
15 v.)	STIPULATION TO EXCLUDE TIME FROM THE
)	SPEEDY TRIAL ACT
16 MICHAEL LAWRENCE CONNELL,)	CALCULATION AND RESET STATUS HEARING
17)	
)	
18 Defendants.)	
)	

19 With the agreement of the parties, and with the consent of the defendant, the Court enters this
20 Order continuing the status conference currently set for January 22, 2019, at 2:30 p.m., to March 26,
21 2019, at 2:30 p.m., and excluding time under the Speedy Trial Act, 18 U.S.C. § 3161(h), through and
22 including March 26, 2019. The parties agree, and the Court finds and holds, as follows:

23 1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
24 3161(h), to provide reasonable time for the effective preparation of defense counsel, taking into account
25 the exercise of due diligence. The parties also agree that the status conference currently set for January
26 22, 2019, at 2:30 p.m., should be continued to March 26, 2019, at 2:30 p.m.

27 2. On July 3, 2018, defendant was arraigned before the Honorable Laurel Beeler, United
28 States Magistrate Judge. On July 10, 2018, Judge Beeler issued orders releasing defendant on

1 conditions and excluding time under the Speedy Trial Act calculation from July 10, 2018, through July
2 31, 2018.

3 3. The parties have appeared before this Court on July 31, 2018, September 25, 2018, and
4 November 13, 2018. At the most recent hearing, defense counsel informed the Court that defendant
5 intended to retain an expert to conduct an independent forensic examination of the main device at issue
6 in this case. Government counsel informed the Court that the government would work with defense
7 counsel on making the necessary arrangements to facilitate this forensic review. The Court set the
8 matter for further status on January 22, 2019, at 2:30 p.m. Time under the Speedy Trial Act is currently
9 excluded through that date.

10 4. Since the status hearing on November 13, 2019, the parties have worked to facilitate the
11 forensic review. Defense counsel has contacted and is prepared to retain an expert based in Tucson,
12 Arizona. The government has made arrangements for the forensic images at issue in this case to be
13 securely transferred to a federal facility in Phoenix, Arizona. The parties have also negotiated and
14 agreed upon a Protective Order, which is being submitted for the Court's review contemporaneously
15 with this stipulation. In addition, the parties conducted an evidence view at the San Francisco Police
16 Department on December 20, 2018.

17 5. Given the time necessary to make the arrangements set forth above, as well as the time
18 necessary for defendant's expert to complete the forensic review, the parties jointly propose that the
19 status conference currently set for January 22, 2019, at 2:30 p.m., should be continued to March 26,
20 2019, at 2:30 p.m. The parties will be better situated at the later date to discuss next steps in the case,
21 including whether the matter should be set for plea, trial, or a motions schedule. Because the parties
22 continue to engage in the discovery process, as set for above, the parties agree that the time should be
23 excluded under the Speedy Trial Act to allow for effective preparation of counsel.

24 6. The Court finds that, taking into the account the public interest in the prompt disposition
25 of criminal cases, these grounds are good cause for excluding time. The Court further finds that the ends
26 of justice served by excluding the period from today's date, through and including March 26, 2019,
27 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7).
28 Accordingly, and with the consent the defendant, the Court orders that the period from today, through

1 and including March 26, 2019, be excluded from the Speedy Trial Act calculation. The Court further
2 orders that the status conference currently set for January 22, 2019, at 2:30 p.m., is continued to March
3 26, 2019, at 2:30 p.m.

4 IT IS SO STIPULATED.

5 DATED: January 18, 2019

DAVID L. ANDERSON
United States Attorney

7 /s/

8 RAVI T. NARAYAN
Assistant United States Attorney

9 DATED: January 18, 2019

10 /s/

11 KORY DECLARK
Counsel for the Defendant

12
13 IT IS SO ORDERED.

14
15 DATED: 1/18/19



16 HON. RICHARD SEEBORG
17 United States District Judge